

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
)
 v.)
)
ROBERT COPLAN,)
MARTIN NISSENBAUM,)
RICHARD SHAPIRO,)
BRIAN VAUGHN,)
DAVID L. SMITH, and)
CHARLES BOLTON)
)
 Defendants.)
)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 6/12/08

STIPULATED PRETRIAL
SCHEDULING ORDER

(S1) 07 Cr. 453 (SHS)

UPON the joint application of all parties for an order setting forth a schedule for the production of certain discovery materials;

WHEREAS, it is hereby stipulated and agreed, by and among the government and defendants Robert Coplan, Martin Nissenbaum, Richard Shapiro, Brian Vaughn, and Charles Bolton (“defendants,” and together with the government, “the parties”), by their undersigned counsel, and with the express consent of the defendants, that the parties shall be bound by the schedule set forth below;

WHEREAS, defendants have moved for an order requiring the government to produce certain discovery pursuant to the Constitution, the Federal Rules of Criminal Procedure, and other applicable authorities;

WHEREAS, the government and the defense have agreed to exchange the materials identified herein according to the schedule set forth below;

WHEREAS, the parties reserve their rights to request additional discovery, and to make any motions for additional discovery; it is hereby:

ORDERED, that on or before January 19, 2009, the government shall produce (1) a list of witnesses it intends to call in its case-in-chief; (2) any statements of such witnesses, as defined in 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2; (3) any impeachment material relating to such witnesses; and (4) an exhibit list and copies of the exhibits it intends to offer in its case-in-chief (but not documents it intends to use only in the cross-examination of defense witnesses, the redirect examination of government witnesses, or in any rebuttal case) in the form in which such exhibits will be offered at trial; and it is further

ORDERED, that on or before February 9, 2009, defendants shall produce (1) a list of their intended trial witnesses; (2) any statements of such witnesses, as defined in Fed. R. Crim. P. 26.2; and (3) exhibit lists and copies of the exhibits they intend to offer in the defense case-in-chief (but not documents they intend to use only in the cross-examination of government witnesses or the redirect examination of defense witnesses) in the form in which such exhibits will be offered at trial; and it is further

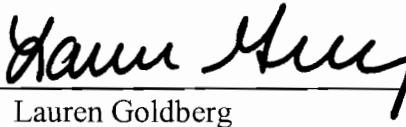
ORDERED, that nothing in this stipulation and order shall preclude the government or any of the defendants from amending or supplementing their witness and exhibit lists or their production of witness statements (pursuant to 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2) and impeachment materials (pursuant to Giglio v. United States, 405 U.S. 150 (1972), and its progeny) from the date of production through the trial, as necessary; and it is further

ORDERED, that on or before February 2, 2009, the government shall produce notice of any evidence it intends to introduce at trial pursuant to Fed. R. Evid. 404(b); and it is further

ORDERED, that in the event the trial is adjourned prior to January 19, 2009, this schedule shall be amended accordingly.

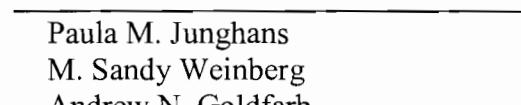
Dated: New York, New York
June 4, 2008

MICHAEL J. GARCIA
United States Attorney

By: 

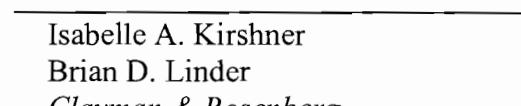
Lauren Goldberg
Marshall Camp
Assistant United States Attorneys

ROBERT COPLAN

By: 

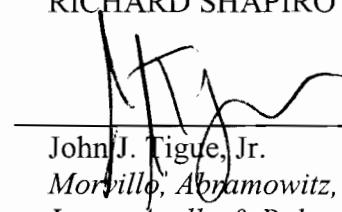
Paula M. Junghans
M. Sandy Weinberg
Andrew N. Goldfarb
Zuckerman Spaeder LLP

MARTIN NISSENBAUM

By: 

Isabelle A. Kirshner
Brian D. Linder
Clayman & Rosenberg

RICHARD SHAPIRO

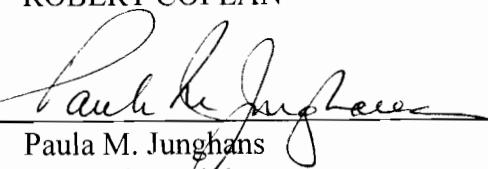
By: 

John J. Tigue, Jr.
*Morvillo, Abramowitz, Grand,
Iason, Anello & Bohrer, P.C.*

MICHAEL J. GARCIA
United States Attorney

By: _____
Lauren Goldberg
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Assistant United States Attorneys

ROBERT COPLAN

By: 
Paula M. Junghans
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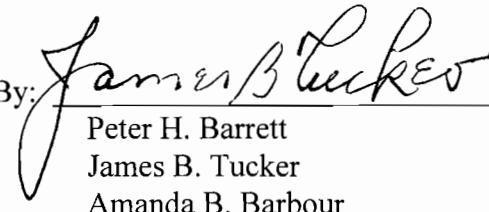
MARTIN NISSENBAUM

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Clayman & Rosenberg

RICHARD SHAPIRO

By: _____
John J. Tigue, Jr.
*Morvillo, Abramowitz, Grand,
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BRIAN VAUGHN

By: 

Peter H. Barrett
James B. Tucker
Amanda B. Barbour
*Butler, Snow, O'Mara,
Stevens & Cannada, PLLC*

CHARLES BOLTON

By: 

Howard E. Heiss
Mark A. Racanelli
O'Melveny & Myers LLP

SO ORDERED:

United States District Judge

BRIAN VAUGHN

By: _____

Peter H. Barrett
James B. Tucker
Amanda B. Barbour
*Butler, Snow, O'Mara,
Stevens & Cannada, PLLC*

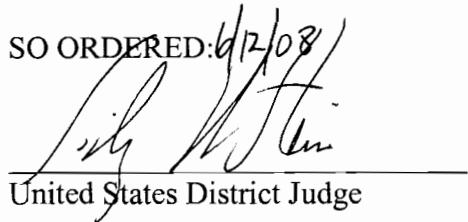
CHARLES BOLTON



By: _____

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O'Melveny & Myers LLP

SO ORDERED: 6/12/08



United States District Judge